

Executive Summary – Enforcement Matter – Case No. 44046
Senna Hills Municipal Utility District and Senna Hills, Ltd.
RN100822691
Docket No. 2012-0889-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Senna Hills MUD, located at 10500 Farm-to-Market ("FM") Road 2244, approximately 700 feet north of FM Road 2244 and approximately two miles east of the intersection of FM Road 2244 and State Highway 71, Austin, Travis County

Type of Operation:

Domestic wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,986

Amount Deferred for Expedited Settlement: \$2,397

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,589

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44046
Senna Hills Municipal Utility District and Senna Hills, Ltd.
RN100822691
Docket No. 2012-0889-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 7, 2012

Date(s) of NOE(s): April 13, 2012

Violation Information

1. Failed to prevent the unauthorized discharge of partially treated sewage at the Facility. Specifically, on December 4, 2011 and February 5, 2012, unknown amounts of sewage were spilled at the Facility due to high peak flow, and a Facility process equipment problem, respectively. Both discharges were confined to the Facility [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013238001, Permit Conditions 2(g)].
2. Failed to comply with permitted effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Interim Phase I and II, Effluent Limitations and Monitoring Requirements A].
3. Failed to provide noncompliance notification when effluent violations deviate by more than 40% of the permitted effluent limit. Specifically, the required notifications for ammonia nitrogen exceedances in February, June, and November 2011 were not provided within five working days of each exceedance [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Monitoring Requirements 7(c)].
4. Failed to collect the chlorine disinfection samples at the location specified in the permit. Specifically, samples were being monitored at a point which does not allow a minimum of 20 minutes of detention time following the chlorine injection [30 TEX. ADMIN. CODE § 319.5(a), and TPDES Permit No. WQ0013238001, Effluent Limitations and Monitoring Requirements B].
5. Failed to provide a closure plan for the original wastewater treatment plant to the Municipal Permits Team at least 90 days prior to conducting closure activity [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Permit Conditions, Operational Requirements No. 3(b)].
6. Failed to provide notification prior to completion of the Interim II phase for the wastewater treatment plant. Specifically, written notice was not provided to the TCEQ Regional Office and Applications Review and Processing Team of the Water Quality Division at least 45 days prior to the July 9, 2011 Interim Phase II operational start date [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Interim Phase II, Special Provisions No. 23].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondents have implemented the following corrective measures at the Facility:

- a. On December 4, 2011 and February 5, 2012, cleaned and disinfected the areas where unauthorized discharges occurred, returned solids to the Facility, and repaired alarms to prevent a reoccurrence;
- b. By February 29, 2012, returned to compliance with permitted effluent limits by repairing blower to increase dissolved oxygen during treatment;
- c. On March 13, 2012, submitted written notification of the completion of the Interim Phase II and is in operation to the TCEQ Austin Regional Office and the Applications Review and Processing Team of the Water Quality Division;
- d. On March 16, 2012, submitted a closure plan to the TCEQ Austin Regional Office and TCEQ Municipal Permits Team for the original wastewater treatment plant;
- e. On April 4, 2012, submitted compliance documentation to the TCEQ Austin Regional Office demonstrating that the collection of the chlorine disinfection samples has been moved to the effluent piping discharge point, which allows for the minimum 20 minutes of detention time following the chlorine injection; and
- f. On April 10, 2012, conducted employee training to ensure that self-reporting requirements are properly accomplished, and submitted written noncompliance notification to the TCEQ Austin Regional Office and TCEQ Enforcement Division for ammonia nitrogen exceedances in February, June, and November 2011.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 44046
Senna Hills Municipal Utility District and Senna Hills, Ltd.
RN100822691
Docket No. 2012-0889-MWD-E

TCEQ SEP Coordinator: N/A

Respondents: Chet A. Palesko, President, Senna Hills Municipal Utility, 1502 San Juan Drive, Austin, Texas 78733

Rip Miller, President, Senna Hills, Ltd., 1502 San Juan Drive, Austin, Texas 78733

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES **Assigned** 16-Apr-2012 **PCW** 25-Apr-2012 **Screening** 25-Apr-2012 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.
Reg. Ent. Ref. No. RN100822691
Facility/Site Region 11-Austin **Major/Minor Source** Minor

CASE INFORMATION

Enf./Case ID No. 44046 **No. of Violations** 4
Docket No. 2012-0889-MWD-E **Order Type** 1660
Media Program(s) Water Quality **Government/Non-Profit** Yes
Multi-Media **Enf. Coordinator** Jeremy Escobar
EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 27.0% Enhancement **Subtotals 2, 3, & 7** \$1,552

Notes Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$1,436

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$8
 Approx. Cost of Compliance \$14,600
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$5,866

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$5,866

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$5,866

DEFERRAL 20.0% Reduction **Adjustment** -\$1,173

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$4,693

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hi

Policy Revision 3 (September 2011)

Case ID No. 44046

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 44046

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(4) and (5), and
Texas Pollutant Discharge Elimination System ("TPDES") Permit No.
WQ0013238001, Permit Conditions 2(g)

Violation Description

Failed to prevent the unauthorized discharge of partially treated sewage at the Facility. Specifically, on December 4, 2011 and February 5, 2012, unknown amounts of sewage were spilled at the Facility due to high peak flow, and a Facility process equipment problem, respectively. Both discharges were confined to the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended, one for each discharge.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondents came into compliance by February 5, 2012.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,550

This violation Final Assessed Penalty (adjusted for limits) \$2,550

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$7,000	4-Dec-2011	4-Dec-2011	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$7,000	5-Feb-2012	5-Feb-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Cost to clean and disinfect the areas where the unauthorized discharges occurred, return solids to the wastewater treatment plant, and repair equipment to prevent a reoccurrence. The dates required are the dates of the unauthorized discharges and the final dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$14,000

TOTAL

\$0

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 44046

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013238001, Interim Phase II, Effluent Limitations and Monitoring Requirements A

Violation Description

Failed to comply with permitted effluent limits, as documented in an investigation conducted on March 7, 2012, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended for the quarter containing the months of November 2011 and January 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$312

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondents returned to compliance on February 29, 2012.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,276

This violation Final Assessed Penalty (adjusted for limits) \$1,276

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for violation no. 1 on accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 44046

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013238001,
Monitoring Requirements No. 7(c)

Violation Description

Failed to provide noncompliance notification when effluent violations deviate by more than 40% of the permitted effluent limit. Specifically, the required notification for ammonia nitrogen exceedances in November 2011 was not provided within five working days of each exceedance.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

127 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$312

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondents returned to compliance on April 10, 2012.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$1,276

This violation Final Assessed Penalty (adjusted for limits) \$1,276

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	7-Mar-2012	10-Apr-2012	0.09	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	5-Mar-2011	4-Apr-2012	1.08	\$5	n/a	\$5

Notes for DELAYED costs

Estimated costs to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and to submit the written noncompliance notifications, respectively. Dates required are the dates the first notification was due and the investigation date and the final dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$7

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 44046

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 319.5(a), and TPDES Permit No. WQ0013238001, Effluent Limitations and Monitoring Requirements B

Violation Description

Failed to collect the chlorine disinfection samples at the location specified in the permit. Specifically, samples were being taken at a point which does not allow a minimum of 20 minutes of detention time following the chlorine injection.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$187

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondents submitted compliance documentation to the TCEQ Austin Regional Office on April 4, 2012.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$766

This violation Final Assessed Penalty (adjusted for limits) \$766

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	7-Mar-2012	4-Apr-2012	0.08	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin sampling at the effluent piping discharge point located at the effluent pond to allow for additional detention time. Date required is the investigation date and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$1



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned

16-Apr-2012

PCW

25-Apr-2012

Screening

25-Apr-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Reg. Ent. Ref. No. RN100822691

Facility/Site Region 11-Austin

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 44046

Docket No. 2012-0889-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 4

Order Type 1660

Government/Non-Profit Yes

Enf. Coordinator Jeremy Escobar

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$6,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

27.0% Enhancement

Subtotals 2, 3, & 7 \$1,620

Notes Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$1,500

Economic Benefit

Total EB Amounts \$279

Approx. Cost of Compliance \$5,600

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$6,120

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$6,120

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$6,120

DEFERRAL

20.0%

Reduction

Adjustment -\$1,224

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,896

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 44046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 44046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013238001, Interim Phase I, Effluent Limitations and Monitoring Requirements A

Violation Description

Failed to comply with permitted effluent limits, as documented in an investigation conducted on March 7, 2012, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

89 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of February, May, and June 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$500

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondents returned to compliance on February 29, 2012.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$271

Violation Final Penalty Total \$2,040

This violation Final Assessed Penalty (adjusted for limits) \$2,040

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,400	28-Feb-2011	29-Feb-2012	1.00	\$271	n/a	\$271

Notes for DELAYED costs

Cost provided by the Repondent to repair the blower to increase dissolved oxygen during treatment. The date required is the month the first non-compliant excursion was documented and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,400

TOTAL \$271

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 44046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013238001, Special Provisions No. 23

Violation Description

Failed to provide notification prior to completion of the Interim II phase for the wastewater treatment plant. Specifically, written notice was not provided to the TCEQ Regional Office and Applications Review and Processing Team of the Water Quality Division at least 45 days prior to the July 9, 2011 Interim Phase II operational start date.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

293 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondents submitted compliance documentation to the TCEQ Austin Regional Office and the Applications Review and Processing Team on March 13, 2012.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,020

This violation Final Assessed Penalty (adjusted for limits) \$1,020

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	25-May-2011	13-Mar-2012	0.80	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit written notification that the Interim Phase II process is in operation to the TCEQ Austin Regional Office and the TCEQ Applications Review and Processing Team. Date required is 45 days prior to the Interim Phase II start date of July 9, 2011 and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 44046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013238001, Permit Conditions, Operational Requirements No. 3(b)

Violation Description

Failed to provide a closure plan for the original wastewater treatment plant to the Municipal Permits Team at least 90 days prior to conducting closure activity.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

344 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondents returned to compliance on March 16, 2012.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,020

This violation Final Assessed Penalty (adjusted for limits) \$1,020

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 3

Percent Interest 5.0 | **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Apr-2011	16-Mar-2012	0.93	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit a closure plan to the TCEQ Austin Regional Office and TCEQ Municipal Permits Team. Date required is the date the closure plan was due and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 25-Apr-2012

Docket No. 2012-0889-MWD-E

PCW

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 44046

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100822691

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013238001, Monitoring Requirements No. 7(c)

Violation Description

Failed to provide noncompliance notification when effluent violations deviate by more than 40% of the permitted effluent limit. Specifically, the required notifications for ammonia nitrogen exceedances in February and June 2011 were not provided within five working days of each exceedance.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

402 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Two single events are recommended, one for each notification.

Good Faith Efforts to Comply

25.0% Reduction

\$500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondents submitted the written noncompliance notification on April 10, 2012.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,040

This violation Final Assessed Penalty (adjusted for limits) \$2,040

Economic Benefit Worksheet

Respondent Senna Hills Municipal Utility District and Senna Hills, Ltd.

Case ID No. 44046

Reg. Ent. Reference No. RN100822691

Media Water Quality

Violation No. 4

Percent Interest 5.0 | **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation no. 3 on the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Senna Hills Municipal Utility District and Senna Hills, Ltd.
TPDES Permit No. WQ0013238001
Docket No. 2012-0889-MWD-E; Case No. 44046

EFFLUENT VIOLATION TABLE		
Months	NH ₃ -N Daily Average Conc.	NH ₃ -N Single Grab Conc.
	Limit = 2 mg/L	Limit = 15 mg/L
February 2011	3.2	c
May 2011	2.2	c
June 2011	4.0	c
November 2011	11.3	26.4
January 2012	3.7	c

NH₃-N = ammonia nitrogen
c = compliant

mg/L = milligrams per liter
Conc. = concentration

Compliance History Report

Customer/Respondent/Owner-Operator: CN601235187 Senna Hills, Ltd. Classification: AVERAGE Rating: 8.17

Regulated Entity: RN100822691 SENNA HILLS MUD Classification: AVERAGE Site Rating: 8.17

ID Number(s): WASTEWATER PERMIT WQ0013238001
WASTEWATER LICENSING LICENSE WQ0013238001

Location: 10500 Farm-to-Market Road 2244, approximately 700 feet north of Farm-to-Market Road 2244 and approximately two miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71, in Travis County

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: June 07, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 25, 2007 to April 25, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jeremy Escobar Phone: (361) 825-3422

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/09/2010 ADMINORDER 2009-1707-MWD-E
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: TPDES Permit No. WQ0013238001 PERMIT
Description: Failure to demonstrate adequate compliance with the requirements for safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/30/2007	(513607)
2	03/27/2009	(739803)
3	07/14/2009	(759523)
4	10/08/2009	(778110)
5	06/10/2011	(916172)
6	04/13/2012	(993834)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/31/2007 (513607) CN601235187
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EFFLUENT LIMITATIONS PERMIT

Description: For the review period April 2004 through April 2007, the following excursions of the 2.0 mg/L daily average Ammonia-Nitrogen concentration permit limit were noted: November

2005, 3.0 mg/L measured and April 2007, 3.0 mg/L measured.

Date **03/27/2009** (739803) CN601235187
Self Report? **NO** Classification: **Moderate**
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0013238001 PERMIT
Description: Failure to demonstrate adequate compliance with the requirements for safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History Report

Customer/Respondent/Owner-Operator: CN601362437 Senna Hills Municipal Utility District Classification: AVERAGE Rating: 8.17

Regulated Entity: RN100822691 SENNA HILLS MUD Classification: AVERAGE Site Rating: 8.17

ID Number(s): WASTEWATER PERMIT WQ0013238001
WASTEWATER LICENSING LICENSE WQ0013238001

Location: 10500 Farm-to-Market Road 2244, approximately 700 feet north of Farm-to-Market Road 2244 and approximately two miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71, in Travis County

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: May 16, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 25, 2007 to April 25, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jeremy Escobar Phone: 825-3422

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 05/09/2010 ADMINORDER 2009-1707-MWD-E
- Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: TPDES Permit No. WQ0013238001 PERMIT
- Description: Failure to demonstrate adequate compliance with the requirements for safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 05/30/2007 | (513607) |
| 2 | 03/27/2009 | (739803) |
| 3 | 07/14/2009 | (759523) |
| 4 | 10/08/2009 | (778110) |
| 5 | 06/10/2011 | (916172) |
| 6 | 04/13/2012 | (993834) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 05/31/2007 (513607) CN601362437
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
- EFFLUENT LIMITATIONS PERMIT

Description: For the review period April 2004 through April 2007, the following excursions of the 2.0 mg/L daily average Ammonia-Nitrogen concentration permit limit were noted: November 2005, 3.0 mg/L measured and April 2007, 3.0 mg/L measured.

Date: 03/27/2009 (739803) CN601362437

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No. WQ0013238001 PERMIT

Failure to demonstrate adequate compliance with the requirements for safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SENNA HILLS MUNICIPAL
UTILITY DISTRICT AND SENNA
HILLS, LTD.
RN100822691**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0889-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Senna Hills Municipal Utility District and Senna Hills, Ltd. (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a domestic wastewater treatment facility located at 10500 Farm-to-Market Road 2244, approximately 700 feet north of Farm-to-Market Road 2244, and approximately two miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about April 18, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eleven Thousand Nine Hundred Eighty-Six Dollars (\$11,986) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Nine Thousand Five Hundred Eighty-Nine Dollars (\$9,589) of the administrative penalty and Two Thousand Three Hundred Ninety-Seven Dollars (\$2,397) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondents agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
 - a. On December 4, 2011 and February 5, 2012, cleaned and disinfected the areas where unauthorized discharges occurred, returned solids to the Facility, and repaired alarms to prevent a reoccurrence;
 - b. By February 29, 2012, returned to compliance with permitted effluent limits by repairing blower to increase dissolved oxygen during treatment;
 - c. On March 13, 2012, submitted written notification of the completion of the Interim Phase II and is in operation to the TCEQ Austin Regional Office and the Applications Review and Processing Team of the Water Quality Division;
 - d. On March 16, 2012, submitted a closure plan to the TCEQ Austin Regional Office and TCEQ Municipal Permits Team for the original wastewater treatment plant;
 - e. On April 4, 2012, submitted compliance documentation to the TCEQ Austin Regional Office demonstrating that the collection of the chlorine disinfection samples has been moved to the effluent piping discharge point, which allows for the minimum 20 minutes of detention time following the chlorine injection; and
 - f. On April 10, 2012, conducted employee training to ensure that self-reporting requirements are properly accomplished, and submitted written noncompliance notification to the TCEQ Austin Regional Office and TCEQ Enforcement Division for ammonia nitrogen exceedances in February, June, and November 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, the Respondents are alleged to have:

1. Failed to prevent the unauthorized discharge of partially treated sewage at the Facility, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013238001, Permit Conditions 2(g), as documented during an investigation conducted on March 7, 2012. Specifically, on December 4, 2011 and February 5, 2012, unknown amounts of sewage were spilled at the Facility due to high peak flow, and a Facility process equipment problem, respectively. Both discharges were confined to the Facility.
2. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Interim Phase I and II, Effluent Limitations and Monitoring Requirements A, as documented in an investigation conducted on March 7, 2012, and shown in the table below:

EFFLUENT VIOLATION TABLE		
Months	NH ₃ -N Daily Average Conc.	NH ₃ -N Single Grab Conc.
	Limit = 2 mg/L	Limit = 15 mg/L
February 2011	3.2	c
May 2011	2.2	c
June 2011	4.0	c
November 2011	11.3	26.4
January 2012	3.7	c

NH₃-N = ammonia nitrogen
c = compliant

mg/L = milligrams per liter
Conc. = concentration

3. Failed to provide noncompliance notification when effluent violations deviate by more than 40% of the permitted effluent limit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Monitoring Requirements 7(c), as

documented during an investigation conducted on March 7, 2012. Specifically, the required notifications for ammonia nitrogen exceedances in February, June, and November 2011 were not provided within five working days of each exceedance.

4. Failed to collect the chlorine disinfection samples at the location specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.5(a), and TPDES Permit No. WQ0013238001, Effluent Limitations and Monitoring Requirements B, as documented during an investigation conducted on March 7, 2012. Specifically, samples were being monitored at a point which does not allow a minimum of 20 minutes of detention time following the chlorine injection.
5. Failed to provide a closure plan for the original wastewater treatment plant to the Municipal Permits Team at least 90 days prior to conducting closure activity, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Permit Conditions, Operational Requirements No. 3(b), as documented during an investigation conducted on March 7, 2012.
6. Failed to provide notification prior to completion of the Interim II phase for the wastewater treatment plant, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013238001, Interim Phase II, Special Provisions No. 23, as documented during an investigation conducted on March 7, 2012. Specifically, written notice was not provided to the TCEQ Regional Office and Applications Review and Processing Team of the Water Quality Division at least 45 days prior to the July 9, 2011 Interim Phase II operational start date.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Senna Hills Municipal Utility District and Senna Hills, Ltd., Docket No. 2012-0889-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
5. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
6. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/19/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

8/2/2012
Date

CHET A. PALESKO
Name (Printed or typed)
Authorized Representative of
Senna Hills Municipal Utility District

PRESIDENT
Title
SENNA HILLS MUD

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perm Jones
For the Executive Director

2/12/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

3/20/12
Date

Rip Miller - President S/H
Name (Printed or typed)
Authorized Representative of *Developer L.C.*
Senna Hills, Ltd.

P. S. Sexton
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.